

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America, )  
                            Plaintiff,     )  
vs.    ) Case No. 12-0193-01-CR-FJG  
Austin D. Hurtado,     )  
                            Defendant.     )

**ORDER**

Pending before the Court is the issue of defendant's mental competency. On July 20, 2012, defendant filed a motion for psychiatric and/or psychological examination (Doc. #32) which was granted by Chief United States Magistrate Judge Robert E. Larsen (Doc. #38, July 27, 2012). Judge Larsen held a hearing regarding defendant's mental competency on November 21, 2012, at which time the parties stipulated to the forensic evaluation (Doc. #45, October 24, 2012 and Doc. #46, filed October 25, 2012) by Jeremiah Dwyer, Ph.D.

Chief Magistrate Judge Larsen issued a report and recommendation (Doc. #49, November 27, 2012), finding defendant competent. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.

Judge Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 1/8/2013  
Kansas City, Missouri